

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MYLES ALEXANDER #862651,

Plaintiff,

v.

CASE NO. 14-14629

HONORABLE GEORGE CARAM STEEH

RANDALL HAAS, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DOC. 45), GRANTING DEFENDANTS
BROWN-BRANDON AND MARUTIAK'S MOTION TO
DISMISS (DOC. 35), AND GRANTING DEFENDANT HAAS'
MOTION TO DISMISS (DOC. 38)

Plaintiff, a prison inmate in the custody of the Michigan Department of Corrections ("MDOC"), filed the instant civil rights action against various employees at MDOC's G. Robert Cotton Correctional Facility ("Cotton Facility"), where Plaintiff was previously incarcerated. These defendants are Warden Randall Haas, Deputy Wardens Cascelia Brown-Brandon and Fredeane Artis, Administrative Hearing Officer Michael Marutiak, and inspectors James Roth and K. Howard. In short, Plaintiff alleges that Roth and Howard falsely implicated him in a contraband-smuggling incident. Haas, Brown-Brandon, Artis, and Marutiak believed the false representations "to be true and had no reasons to believe that [they] were untrue." (Compl. ¶ 15). Based on Roth's and Howard's false representations, Haas, Brown-Brandon, Artis, and Marutiak "place[d] plaintiff in segregation. Had they known the true facts[,] they would not have taken such action." (*Id.*). The Court previously issued an order dismissing defendants

Roth, Artis, and Howard. Thus, only defendants Haas, Brown-Brandon, and Marutiak remain.

Now before the Court are Brown-Brandon and Marutiak's motion to dismiss (Doc. 35) and Haas's motion to dismiss (Doc. 38). The Court referred the defendants motions to Magistrate Judge Whalen for a report and recommendation ("R&R"). In his R&R, the Magistrate Judge recommended that the Court grant both motions. The Magistrate Judge found Brown-Brandon, Marutiak, and Haas all have qualified immunity, because "[b]y Plaintiff's own admission, these Defendants did not knowingly violate any clearly established right, nor did they act unreasonably—either objectively or subjectively—under the circumstances." (R&R at 7). The Magistrate Judge further explained that Plaintiff's claims against Brown-Brandon, Marutiak, and Haas in their official capacities are barred by the Eleventh Amendment.

Plaintiff has not objected to the R&R. The R&R specifically stated that any objections must be filed within fourteen days of service of the R&R. Moreover, the R&R specifically stated that a failure to file objections would constitute a waiver of any further right to appeal. See *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004). Finding the R&R to be well-reasoned, the Court hereby ACCEPTS the result recommended therein. Accordingly, Brown-Brandon and Marutiak's motion to dismiss (Doc. 35) is GRANTED, and Haas's motion to dismiss (Doc. 38) is also GRANTED. The complaint is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: September 1, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 1, 2016, by electronic and/or ordinary mail and also on Myles Danard Alexander #862651, Carson City Correctional Facility, 10274 Boyer Road, Carson City, MI 48811.

s/Barbara Radke
Deputy Clerk